

REMARKS

Claims 1, 3-12, 14-34, and 35-37 are pending in the application.

By this Amendment, claim 1 is amended and claims 35-37 are added.

No new matter has been added by this Amendment, support for the claim amendments may be found on pages 18 and 28 of the originally filed application, for example.

Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.¹

A. **The Indication of Allowable Subject Matter**

On page 8, line 7, the Office Action indicates that claims 12, 14-26 and 32-34 are allowed. Applicant appreciates such indication of allowable subject matter.

On page 8, lines 7-11, the Office Action further asserts:

The Examiner submits that claim 1 and its dependent claims would also be allowable over the prior arts if such a language (i.e., sending, by the universal session manager, a communication to the at least one remote server upon either customer logout or timeout) is incorporated into the body of claim 1.

Applicant also appreciates the Examiner's comment regarding placing claim 1 in allowable form. Applicant has amended claim 1 in accord with the Examiner's suggestion. Accordingly, Applicant submits that claim 1 and its dependent claims are in condition for allowance. Relatedly, added claim 35 (dependent on claim 1) recites features related to features

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

set forth in claim 12.

B. The 35 U.S.C. 103 Rejection and Added Claims 36 and 37

In the pending rejection, claims 1, 3-12, 14-20, and 24-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,137,006 to Grandcolas *et al.* (“Grandcolas”) in view of U.S. Patent 5,987,454 to Hobbs.

As set forth above, Applicant amends claim 1 herein in accord with the Examiner’s suggestion. Accordingly, Applicant submits that claim 1 and its dependent claims are in condition for allowance.

By this Amendment, claim 36 and dependent claim 37 (dependent upon claim 36) are added. Claim 36 includes features of claim 1 as previously presented. Further, claim 36 recites:

the universal session manager sending a communication to the remote server based on activity of the user.

Dependent claim 37 further recites that the activity of the user comprises at least one of customer timeout or logout.

Applicant submits that the applied art fails to teach such features as recited in claim 36.

As recited in Section 2142 of the MPEP, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 2 USPQ2d 1438 (Fed. Cir. 1991).

Relatedly, as set forth in M.P.E.P. 706.02(j), 35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or more other references. M.P.E.P. 706.02(j) indicates that after indicating that the rejection is under 35 U.S.C. 103, the Examiner should set forth in the Office Action:

- (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,
- (B) the difference or differences in the claim over the applied reference(s),
- (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and
- (D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

M.P.E.P 706.02(j) references the well known requirements of *Graham v. John Deere*. Further, M.P.E.P 706.02(j) notes that it is important for an Examiner to properly communicate the basis for a rejection so that the issues can be identified early and the Applicant can be given fair opportunity to reply.

Applicant maintains the token of Grandcolas allows the redirecting of the user's web browser to a second web server using the token (e.g. see Grandcolas in column 2, lines 15-46). However, the teachings of Hobbs (and those teachings relied upon in the Office Action) relate to the simultaneous connection with multiple servers (e.g. see Hobbs in column 11, lines 4-19). Applicant submits that such two respective relied upon features of Grandcolas and Hobbs are **mutually exclusive**. That is, Applicant submits that such two features are simply not usable together in that there cannot be a redirecting to another site (Grandcolas) while providing simultaneous connection (Hobbs), in particular as contemplated in the 35 U.S.C. 103 rejection.

Applicant asserts that claim 36 does not simply set forth the general concept of using a

first frame and a second frame. Rather, claim 36 of the present application sets forth various particulars of such displayed frames, e.g., “providing links to the accounts in a first frame of the interface” and “provides access to the remote server, by hosting the remote server in a second frame of the interface.” Hand in hand with such features, claim 36 recites an interrelationship of such utilization of multiple frames vis-à-vis the processing of the universal session manager and the validation module.

On page 9, lines 8-11, the Office Action asserts:

... The examiner contends that what are being combined are specific teachings of Grandcolas and Hobbs, and one versed in the art would evaluate these references based on the suggestion of these teachings.

Applicant submits that the above assertion reflects an inappropriate analysis under 35 U.S.C. 103. Indeed, such assertion appears to reflect an analysis of picking and choosing features of Grandcolas and Hobbs without taking into account the totality of the teachings of the applied art, i.e., at least of the primary reference to Grandcolas, which is alleged obvious to modify under the *Graham v. John Deere* analysis set forth above.

As set forth above, claim 36 recites:

... and the universal session manager updating a last accessed time (LAT) variable based on access to the remote server through the second frame. the LAT variable controlling session timeouts ...

In contrast, Grandcolas in column 4, lines 30-50 describes:

In the embodiment shown in FIG. 1, the brokerage firm web server 30 builds an **authentication token** (or access token) comprising user identification data (or profile data) and expiration time data (token expiry) 52. The profile data comprises user identification data comprising a customer identification number that uniquely identifies the user to the secondary server. In the shown embodiment, the token also include a list of accounts of the customer. Expiration time data comprises data reflecting **the time after which the authentication token is invalid**. In the embodiment shown, the time is in Greenwich Mean Time (GMT). In other embodiments, the time may be in Universal Time. Expiration time may be set by the primary server at any desired time, though in

most embodiments the expiration time is a relatively short time, e.g., three to twenty minutes, from the time at which the authentication token is created. In the embodiment shown, the expiration time is set at fifteen minutes from the time the authentication token is created. Note that it is important for the servers exchanging such authentication tokens to maintain correct or synchronized clocks. The use of **expiration time** is used to create a single-use, perishable token.

(emphasis added)

Applicant submits the claimed features relate to a last accessed time and session timeouts. In sharp contrast, the relied upon features of Grandcolas relate to expiration time of a token. Such are fundamentally different concepts. Applicant submits that such teachings of Grandcolas clearly fall short of teaching the claimed invention.

For at least these above reasons, claim 36 is not taught or suggested by the applied art. Dependent claim 37 is allowable based on its dependency, as well as for the additional features such dependent claim 37 recites.

Withdrawal of the rejection under 35 U.S.C. 103 is requested.

C. Conclusion

The foregoing is submitted as a full and complete Response to the Office Action, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

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